

ORDINANCE NO. 2010-10

AN ORDINANCE, amending Ordinance No. 2977, Ordinance No. 3096, and Ordinance No. 2008-10, section II (in part), as it relates to the operation of or riding upon skateboards, roller skates, roller blades, scooters, coasters upon any right-of-way within the City, the "Central Business District" or upon the Wenatchee Convention Center grounds.

WHEREAS, the City of Wenatchee, through the exercise of its police power has the authority to maintain the health, public safety and general welfare of its residents,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE DO ORDAIN as follows:

SECTION I

Ordinance No. 2977, Section I (in part), also cited as WCC 7.32.010 (1), is hereby amended to read as follows:

(a) "Skateboard" has its ordinary meaning and includes a board of any material with wheels affixed to the underside, designed to be ridden by a person. For purposes of this chapter, "skateboard" includes "scooter", "coaster" and "longboard".

SECTION II

Ordinance No. 2977, Section II, and Ordinance No. 3096, Section I, also cited as WCC 7.32.020, is hereby amended to read as follows:

7.32.020 Areas of Operation.

(1) Unless otherwise prohibited by this section, or any federal, state or local authority, all skateboards, roller skates, roller blades, scooters or coasters shall be operated or

ridden only upon a sidewalk.

(a) Whenever any person is operating or riding upon any skateboard, roller skates, roller blades, scooter or coaster on a sidewalk, such person shall yield the right-of-way to any pedestrian.

(b) If sidewalks are not provided, skateboards, roller skates, roller blades, scooters or coasters shall only be operated or ridden upon the shoulder of the roadway facing oncoming traffic as long as such can be done safely and without obstructing traffic.

(2) It is unlawful for any person to operate or ride upon any skateboard, roller skates, roller blades, scooter or coaster upon any sidewalk within the "central business district" of the City of Wenatchee. For purposes of this section, "central business district" means the sidewalks between Kittitas Street on the south, Fifth Street on the north, and between Chelan Street on the west and Columbia Street on the east, including sidewalks on both sides of the street and the sidewalks in between.

(3) It is unlawful for any person to operate or ride upon any skateboard, roller skates, roller blades, scooter or coaster upon the grounds and parking area of the Wenatchee Convention Center.

SECTION II

Wenatchee City Code Chapter 7.32 is hereby amended by adding the following section, which is to be cited as WCC 7.32.025:

7.32.025 Traffic Control Devices.

Any person operating any skateboard, roller skates, roller blades, scooter or coaster shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

SECTION IV

Ordinance No. 2977, Section IV, also cited as WCC 7.32.030, is hereby amended to read as follows:

7.32.030 Negligent Operation Prohibited.

It is unlawful for any person to operate any skateboard, roller skates, roller blades, scooter or coaster in a negligent manner. For the purpose of this section "negligent manner" means the operation of or the riding upon any skateboard, roller skates, roller blades, scooter or coaster in such a manner as to endanger or likely to endanger any person or property.

SECTION V

Ordinance No. 2977, Section III, and Ordinance 2003-31, Section III, also cited as WCC 7.32.050, is hereby amended to read as follows:

7.32.050 Violation – Penalty – Impoundment.

(1) Unless otherwise stated in this Chapter, any person violating any provision of this Chapter shall be guilty of an infraction and shall be punished by the imposition of a monetary penalty of \$50.00, which shall not be suspended or deferred.

(2) In addition to any monetary penalty that may be assessed, if the Wenatchee Police Department has made a probable cause determination that a violation of this Chapter has been committed, the Department may immediately impound any skateboard, roller skates, roller blades, scooter, coaster or motorized scooter that was operated or ridden upon at the time of the violation.

(a) For the first violation, the impound shall be for a period of 10 days;

(b) For any second or subsequent violation, the impound shall be for a period of 30 days.

(c) No fee shall be assessed for the impoundment.

(3) For any impoundment done pursuant to this section, the Wenatchee Police Department shall give the operator a written notice of when and where the impounded skateboard, roller skates, roller blades, scooter, coaster or motorized scooter may be reclaimed.

(a) The skateboard, roller skates, roller blades, scooter, coaster or motorized scooter may be reclaimed by the operator, or by any individual who can establish ownership of the skateboard, roller skates, roller blades, scooter, coaster or motorized scooter.

(b) If the skateboard, roller skates, roller blades, scooter, coaster or motorized scooter is not reclaimed within thirty days of the end of the impoundment period, it will be subject to sale or disposal consistent with the Wenatchee Police Department procedures.

(c) Any person claiming any ownership or right of possession in the impounded skateboard, roller skates, roller blades, scooter, coaster or motorized scooter shall have the ability to contest the appropriateness of the impoundment. Such person must notify the Wenatchee Police Department in writing of the person's claim of ownership or right to possession of the impounded skateboard, roller skates, roller blades, scooter, coaster or motorized scooter and the facts the person relies upon that the impoundment was inappropriate. Such written notification must be personally served upon the Department within five calendar days of the impoundment. If the Department does not receive timely written notification, then any right to a hearing shall be waived.

(i) The Wenatchee Police Department shall give the person a reasonable opportunity to be heard as to the claim or right. The hearing shall be held within five calendar days of receiving the written notification.

(ii) The hearing shall be before the chief law enforcement officer or

the chief law enforcement officer's designee. The hearing officer shall issue his or her written decision within three calendar days of completion of the hearing.

(iii) The burden of producing evidence shall be upon the person contesting the impoundment. The burden of proof shall be by a preponderance of the evidence.

(iv) The Wenatchee Police Department shall promptly return the property to the person upon a decision that there was not probable cause that the operator violated any provision of this Chapter and that the person has a lawful right to the possession of the skateboard, roller skates, roller blades, scooter, coaster or motorized scooter.

SECTION VI

Ordinance No. 2008-10, Section II (in part), also cited as WCC 6A.18.080, is hereby amended to read as follows:

6A.18.080 Skateboard Operation.

A. Every person who shall use a skate court or travel on a trail shall obey the Skate Court Use and Trail Policies designated in the Wenatchee Parks and Recreation Department Policies and Procedures Manual.

B. A violation of this section is a class 3 civil infraction.

SECTION VII


If any section, subsection, sentence, clause, phrase or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

SECTION VIII

This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY WENATCHEE,
at a regular meeting thereof, this 22 day of April, 2010.

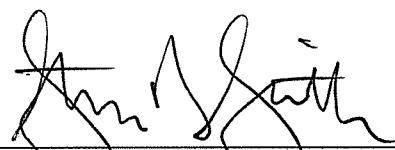
CITY OF WENATCHEE

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
TAMMY STANGER, City Clerk

APPROVED:

By: 
STEVE D. SMITH, City Attorney